

GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

Municipal Administration and Urban Development Department – Greater Hyderabad Municipal Corporation – LWS Establishment – O.A.No.10605/2009 filed by Sri B.Yesu and (5) other NMRs working in Rajendra Nagar (Circle No.6), GHMC, Hyderabad and orders of Hon'ble APAT Dated:31.05.2012 to pay minimum scale of pay to the petitioners together with D.A. – Permission accorded – Orders – Issued.

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MUNICIPAL ADMINISTRATION AND URBAN DEVELOPEMNT (F) DEPARTMENT	Dated:06.01.2014
G.O.Rt.No. 21	Read the following:-

- 1.From the Asst. Registrar, APAT, Hyderabad, orders Dated:31.05.2012 in O.A.No.10605/2009 and further Corrigendum order, Dt.21.09.2012.
- 2.From the Commissioner, GHMC., Letter No.310/ B3/LWS/ GHMC/2013/308, dated 06.08.2013 along with Opinion of Addl. Advocate General, APHC., Hyderabad 6.8.2013.
- 3.From the Commissioner, GHMC., Letter No.310/ B3/LWS/ GHMC/2013/381, dated 25.09.2013.
- 4.From the Commissioner, GHMC., Letter No.310/ B3/LWS/ GHMC/2013/483, dated 29.11.2013.
- 5.From the Assistant Registrar, APAT., Hyderabad, order dated 26.11.2013 in CA No. 1966 of 2012 in OA No. 10605/2009.

ORDER:

In the reference 1st read above, the Hon'ble APAT., Hyderabad in its orders dated 31.5.2012 in O.A.No. 10605 of 2009 filed by Sri B.Yesu and (5) other NMRs working in Rajendra Nagar (Circle No.6), GHMC ., have directed the respondents to pay the minimum wages to the applicants together with D.A. and also pay back wages for three years prior to filing of the O.A. Further, the Hon'ble Tribunal in its Corrigendum order dated 21.9.2012 have modified the word "minimum wages" as "minimum scales".

2. In the reference 2nd read above, the Commissioner, GHMC., has informed that in the light of instructions issued by the Govt. and in terms of opinion No.8 of 2013, dated 19.03.2013, offered by the Learned Additional Advocate General, APHC., a writ petition was filed in the matter by filling W.P. MP No.16625/2013 in WP.No13557/2013 and the Hon'ble High Court in its orders dt.17.06.2013 granted interim stay only to the extent of payment of arrears to the petitioners. The operative portion of the order is: *"There shall be interim stay only to the extent of arrears from last three (03) years. However, it is made clear that the respondents are entitled to pay from the date of the order passed by the Tribunal in the minimum of time scale"*. Later, on 23.09.2013, the said interim order was modified by the Hon'ble High Court that *"the order, dated 17.06.2013 is modified to the extent that there shall be stay only to the extent of payment of arrears of salary for period of three years preceding the date of the order of Tribunal. The remaining part of the order of the tribunal shall be in force. The arrears of minimum of pay scale with DA from the date of order of Tribunal shall be paid within period of three months from today."* The Learned Additional Advocate General to GoAP in his Lr. Dated 06.08.2013 has opined that, "the Commissioner, GHMC, Hyderabad has to comply with the above orders subject to outcome of the Writ Petition pending before the Hon'ble High Court". Therefore, the Commissioner, GHMC has requested the Government to issue suitable orders in the matter at an early date to avoid further legal compliance as the C.A.No.1966/2012 is pending in the Tribunal.

[P.T.O.]

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3. Whereas, the Finance (PC.III) Department have advised to take necessary action as per the interim orders of the Hon'ble High Court in W.P.M.P.No.16625/2013 in W.P.No.13557/2013 and the opinion of Addl. Advocate General, subject to outcome of W.P. pending in Hon'ble High Court by duly obtaining orders in circulation to the Hon'ble Chief Minister.

4. Whereas, the Law Department, while quoting certain case laws (which includes Hon'ble Supreme Court of India), have advised to examine the issue with reference to the orders issued in G.O.Ms.No.823, MA&UD (K2) Department, dated 28.11.2008 and consider to implement the interim orders, dated 17.06.2013 of the Hon'ble High Court of A.P. in W.P.M.P.No.16625/2012 subject to out come of W.P.No.13557 of 2013, as was agreed by Finance Department.

5. Government after careful examination in the matter hereby accord permission to the Commissioner, GHMC, Hyderabad to implement the orders of APAT dated:31.05.2012 in O.A.No.10605/2009 for payment of minimum of pay scale with DA to the applicants with arrears from the date of order of Tribunal, as per the interim orders of the Hon'ble High Court of A.P. dated:17.06.2013 and later modified on 23.09.2013 in W.P.M.P.No.16625/2013 in W.P.No.13557/2013 and subsequently clarified by the APAT in C.A.No.1966/2012 in O.A.No.10605/2009, subject to outcome of the Writ Petition.

6. The Commissioner, Greater Hyderabad Municipal Corporation, Hyderabad shall take necessary action, accordingly.

7. This orders issues with the concurrence of Finance (PC.III) Department with their U.O.No.23424/207/A1/PC.III/2013, Dated 11.11.2013.

[BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH]

DR. SAMEER SHARMA
PRINCIPAL SECRETARY TO GOVERNMENT

To
The Commissioner, Greater Hyderabad Municipal Corporation, Hyderabad.

Copy to:

The Finance (PC.III) Department.

The P.S. to Principal Secretary to Government, MA Department.

The Government Pleader for MA&UD, APAT, Hyderabad.

(with a request to apprise the same to Hon'ble APAT,
w.r.t. C.A.No.1966/2012 in O.A.No.10605 of 2009 posted on 07.01.2014)

The OSD to M (MA&UD).

SF/SC

//Forwarded :: By Order//

SECTION OFFICER